

AO 240 (Rev. 10/03)

UNITED STATES DISTRICT COURT

Middle

District of

Alabama

Plaintiff

V.

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

Defendant

CASE NUMBER: 2:07cv85-WKWI, Robert Allen declare that I am the (check appropriate box)☒ petitioner/plaintiff/movant ☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No," go to Part 2)

If "Yes," state the place of your incarceration _____

Are you employed at the institution? _____ Do you receive any payment from the institution? _____

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? ☐ Yes ☒ No
- a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.
- b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 months have you received any money from any of the following sources?

- | | | |
|---|------------------------------|--|
| a. Business, profession or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b. Rent payments, interest or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d. Disability or workers compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| e. Gifts or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| f. Any other sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

showing all receipts, expenditures, and balances during the last 12 months in any of the following accounts: multiple accounts, perhaps because you have been in multiple institutions. attach one certified statement of each

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4. Do you have **any** cash or checking or savings accounts?

☐ Yes

☒ No

If "Yes," state the total amount. _____

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? ☐ Yes ☐ No

If "Yes," describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

1/26/07

Date

Robert Allen

Signature of Applicant

NOTICE TO PRISONER: A Prisoner seeking to proceed without prepayment of fees shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

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State of Alabama Unified Judicial System Form C-10 Page 1 of 2	AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER	Case Number
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2007 JAN 30 A 9:38
 RECEIVED
 DEBRA P. HACKETT, CLERK
 U.S. DISTRICT COURT
 MIDDLE DISTRICT ALA.

IN THE _____ COURT OF _____, ALABAMA
 (Circuit, District, or Municipal) (Name of County or Municipality)

STYLE OF CASE: _____
 Plaintiff(s) Defendant(s)

TYPE OF PROCEEDING: _____ CHARGE(s) (if applicable): _____

☒ **CIVIL CASE--** I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.

☐ **CIVIL CASE--** (such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the court appoint one for me.

☐ **CRIMINAL CASE--** I am financially unable to hire an attorney and request that the court appoint one for me.

☐ **DELINQUENCY/NEED OF SUPERVISION--** I am financially unable to hire an attorney and request that the court appoint one for my child/me.

AFFIDAVIT

SECTION I.

1. **IDENTIFICATION**
 Full name Robert Lee Allen Date of birth 9/1/64
 Spouse's full name (if married) 1025 Louberry Lane Prattville AL 36067
 Complete home address _____
 Number of people living in household 2
 Home telephone number (334) 361-5408
 Occupation/Job Scrap IRON Length of employment 7 Months
 Driver's license number _____ *Social Security Number 267-75-5691
 Employer Self Employer's telephone number Same
 Employer's address Same As Above


2. **ASSISTANCE BENEFITS**
 Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.)
☐ AFDC ☐ Food Stamps ☐ SSI ☐ Medicaid ☐ Other _____

3. **INCOME/EXPENSE STATEMENT**
 Monthly Gross Income: As of Now
 Monthly Gross Income \$ 0
 Spouse's Monthly Gross Income (unless a marital offense) _____
 Other Earnings: Commissions, Bonuses, Interest Income, etc. _____
 Contributions from Other People Living in Household _____
 Unemployment/Workmen's Compensation, Social Security, Retirements, etc. _____
 Other Income (be specific) _____
TOTAL MONTHLY GROSS INCOME \$ 0

Monthly Expenses:

A. Living Expenses	\$	0
Rent/Mortgage		0
Total Utilities: Gas, Electricity, Water, etc.		0
Food		0
Clothing		0
Health Care/Medical		0
Insurance		0
Car Payment(s)/Transportation Expenses		0
Loan Payment(s)		0

***OPTIONAL**

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Monthly Expenses: (cont'd page 1) Credit Card Payment(s) _____ Educational/Employment Expenses _____ Other Expenses (<i>be specific</i>) _____ <div style="text-align: right; margin-top: 10px;">A \$ _____</div>	
Sub-Total	
B. Child Support Payment(s)/Alimony \$ _____	B \$ _____
Sub-Total	
C. Exceptional Expenses \$ _____	\$ _____
TOTAL MONTHLY EXPENSES (add subtotals from A & B monthly only) \$ <u>0</u>	
Total Gross Monthly Income Less total monthly expenses: <div style="text-align: right; margin-top: 10px;">DISPOSABLE MONTHLY INCOME \$ <u>0.00</u></div>	
4. LIQUID ASSETS: Cash on Hand/Bank (<i>or otherwise available such as stocks, bonds, certificates of deposit</i>) \$ _____ Equity in Real Estate (value of property less what you owe) _____ Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe) _____ Other (<i>be specific</i>) _____ Do you own anything else of value? <input type="checkbox"/> Yes <input type="checkbox"/> No (land, house, boat, TV, stereo, jewelry) If so, describe _____ <div style="text-align: right; margin-top: 10px;">TOTAL LIQUID ASSETS \$ <u>0</u></div>	
5. Affidavit/Request I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel. Sworn to and subscribed before me this <u>26</u> day of <u>January</u> , 20 <u>07</u> . <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> _____ Judge/Clerk/Notary </div> <div style="width: 45%;"> <div style="text-align: center; margin-bottom: 10px;">  Affiant's Signature </div> <div style="text-align: center;"> <u>Robert Lee Allen</u> Print or Type Name </div> </div> </div>	
ORDER OF COURT	
SECTION II. IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS: <input type="checkbox"/> Affiant is not indigent and request is DENIED. <input type="checkbox"/> Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ _____ toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows: _____ <input type="checkbox"/> Affiant is indigent and request is GRANTED. <input type="checkbox"/> The prepayment of docket fees is waived. IT IS FURTHER ORDERED AND ADJUDGED that _____, is hereby appointed as counsel to represent affiant. IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the court and paid to the appointed counsel, and costs of court. Done this _____ day of _____, _____. <div style="text-align: right; margin-top: 20px;">_____ Judge</div>	

M/D-6

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

DIVISION

Robert Allen)
_____))
_____))
_____))
Plaintiff(s))
v.)
Lowndes County Sheriff Dept)
MR. Willie Vaughner)
Capt Laurie Gresham)
_____))
Defendant(s))

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MOTION TO PROCEED IN FORMA PAUPERIS

Plaintiff(s) Robert Allen

moves this Honorable Court for an order allowing her/him to proceed in this case without prepayment of fees, costs, or security therefor, and for grounds therefor submits the attached sworn affidavit in support of the motion.

Robert Allen
Plaintiff(s) signature